

REMARKS

The Official Action mailed March 23, 2004, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for One Month Extension of Time*, which extends the shortened statutory period for response to July 23, 2004. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statement filed on August 7, 2001. However, the Applicants have not received acknowledgment of the Information Disclosure Statement filed on November 24, 2003. The Applicants respectfully request that the Examiner provide an initialed copy of the Form PTO-1449 evidencing consideration of the Information Disclosure Statement filed on November 24, 2003.

Claims 19-24 were pending in the present application. Claims 19, 21 and 22 have been canceled, claim 20 has been amended to depend from claim 23, and new claim 25 has been added which is similar to claim 20 except that it depends from claim 24. Claims 20 and 23-25 are now pending in the present application, of which claims 23 and 24 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance.

Initially, Examiner Befumo and Primary Examiner Juska are thanked for granting a personal interview to the Applicants' representative on July 13, 2004. In the interview, it was agreed that the Applicants would provide a statement on the record to provide the minimal structure of the term "diaphragm." The Applicants respectfully submit that one of ordinary skill in the art would understand from the descriptions in the present specification and from Figures 6(A) and 6(B) that a diaphragm is that portion of a loud-speaker which vibrates to produce sound waves. Specifically, the Applicants respectfully submit that an example of a diaphragm is shown in Figures 6(A) and 6(B) and is marked with reference number 4. The specification notes the following: "the above described woven fabric is used on the surface of the diaphragm 4 of the loud-speaker [3] ... The diaphragm 4 for the loud-speaker using the above described woven fabric for the loud-speaker diaphragm is installed in the main body of the loud-speaker 3" (page 13, paragraphs [0034] – [0035]). In the interview, it was understood that "a

"diaphragm" is positively recited in claims 23 and 24 and that Weber does not teach a diaphragm as defined by the present specification.

Please note, it appears that the *Interview Summary* dated July 13, 2004, was inadvertently labeled Serial No. 09/890,963 to Hiroki Ishinaga. The Applicants respectfully submit that the *Interview Summary* should be associated with Serial No. 09/890,863 to Junichi Hayakawa et al., and request that the Patent Office records and databases be corrected appropriately.

Paragraph 4 of the Official Action rejects claims 19-24 as being anticipated by U.S. Patent No. 5,233,821 to Weber, Jr. et al. The Applicants respectfully traverse the rejection because the Official Action has not established an anticipation rejection.

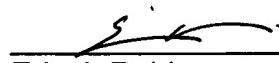
As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Applicants respectfully submit that an anticipation rejection cannot be maintained against the independent claims of the present invention. Weber does not teach all the elements of the independent claims, either explicitly or inherently. Specifically, Weber does not teach a diaphragm, either explicitly or inherently.

Since Weber does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,


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